



# MAYOR & COUNCIL MEETING NOTICE & AGENDA

## REGULAR MEETING

**MONDAY, MARCH 3, 2003 – 2:00 P.M.  
MAYOR AND COUNCIL CHAMBERS  
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

**1. ROLL CALL**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

INVOCATION – Reverend/Doctor Marva Gordon, Prince Chapel

PLEDGE OF ALLEGIANCE – Mayor and Council and public in attendance

**PRESENTATIONS**

- (a) Presentation of a Proclamation recognizing Women in Construction.
- (b) Presentation to Sergeant Wes Dison for implementation of a safety program in the Tucson Unified School District.

**3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager MARCH3-03-125 CITY-WIDE

**4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS**

- (a) Report from City Manager MARCH3-03-126 CITY-WIDE

**5. CALL TO THE AUDIENCE:**

At this time, any member of the public is allowed to address the Mayor and City Council on any issue *not listed on today's agenda*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

**6. CONSENT AGENDA – ITEMS A THROUGH J**

**FOR COMPLETE DESCRIPTION OF ITEMS**  
**SEE ATTACHED CONSENT AGENDA**

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent agenda and will be considered separately.

**7. LIQUOR LICENSE APPLICATIONS**

(a) Report from City Manager MAR03-03-128 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

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| (1) | LA COCINA RESTAURANT & CANTINA<br>186 N. Meyer<br>Applicant: Mary L. Focht<br>City #004-03, located in Ward 1<br>Series #12<br>Action must be taken by: March 23, 2003 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
| (2) | FAMOUS SAM'S #10<br>2320 N. Silverbell Road<br>Applicant: David E. McGuire<br>City #006-03, located in Ward 1<br>Series #3<br>Action must be taken by: March 23, 2003  | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer(s)

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| (3)     RODEWAY INN<br>1365 W. Grant Road<br>Applicant: H. J. Lewkowitz<br>City #003-03, located in Ward 1<br>Series #6<br>Action must be taken by: March 21, 2003 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance<br>Bus. License: In Compliance |
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NOTE: For a person to person transfer, the State Liquor Board will not consider a protest of location issues or permit testimony against the location at a hearing scheduled to evaluate the personal qualifications of the applicant.

(c)     Special Event(s)

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| (1)     TUCSON ARTS DISTRICT<br>PARTNERSHIP<br>140 N. Main Avenue<br>Applicant: Vera L.Y. Uyehara<br>City #T006-03, located in Ward 1<br>Date of Event: April 11, 2003   | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
| (2)     TUCSON PARKS FOUNDATION<br>600 S. Alvernon Way<br>Randolph Golf Course<br>Applicant: Melissa L. Almquist<br>City #T015-03, located in Ward 6<br>Date of Event: March 9, 2003<br>March 10, 2003<br>March 11, 2003<br>March 12, 2003<br>March 13, 2003<br>March 14, 2003<br>March 15, 2003<br>March 16, 2003 | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |

(d)     Extension of Premises

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| (1)     TUCSON CONVENTION CENTER<br>260 S. Church Avenue<br>Applicant: Thomas F. Obermaier<br>City #EP10-03, located in Ward 1<br>Date of Event: March 16, 2003<br>Type: Temporary | <u>Staff Recommendation</u><br><br>Police: In Compliance<br>DSD: In Compliance |
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(2) CONGRESS TAP ROOM, INC.  
311 E. Congress  
Applicant: Richard S. Oseran  
City #EP11-03, located in Ward 6  
Date of Event: March 15, 2003  
Type: Temporary

Staff Recommendation

Police: **Review in process**  
DSD: In Compliance

**8. ZONING: (C9-02-23) LEVIS/SUTTON – CAMP LOWELL DRIVE, SR/RX-1 TO C-1, CITY MANAGER’S REPORT (CONTINUED FROM THE MEETING OF FEBRUARY 10, 2003)**

(a) Report from City Manager MARCH3-03-141 WII

Material for this item can be accessed on the City Website and in the City Clerk’s office as soon as it becomes available.

**9. ZONING: (C9-02-24) MIRAMONTE HOMES – BROADWAY BOULEVARD, RX-1 TO R-1, CITY MANAGER’S REPORT**

(a) Report from City Manager MARCH3-03-134 WII

(b) This is a request to rezone approximately 25.4 acres from RX-1 (Suburban Low Density Residential) to R-1 (Low Density Residential) zoning. Applicant: The Planning Center, on behalf of the property owners, Miramonte Homes. The preliminary development plan proposes 83 one and two-story single-family residences on 29.9 acres including a 4.5 acre conservation easement, for a density of 2.8 residences per acre.

The Zoning Examiner recommends authorization of R-1 zoning. The City Manager recommends authorization of R-1 zoning subject to the following conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated October 8, 2002, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. All buildings on the north and south edges of the development and all buildings on the Broadway and Houghton frontages shall be restricted to one-story.
3. All buildings along the Broadway Boulevard and Houghton Road frontages shall be a maximum height of twenty (20) feet. A maximum building height of 22 feet on the balance of the site.

4. A fifteen (15) foot wide landscape and pedestrian area shall be provided on both sides of interior streets. Landscape areas shall include one (1) canopy tree for each two (2) lots.
5. On-street parking shall be provided on both sides of all streets.
6. Lots abutting the Coronado Ridge Wash and the unnamed wash on the northeast portion of the site shall have fencing comprised of wrought iron pickets or similar material, a maximum of four (4) inches on-center, on a maximum three (3) foot high masonry wall.
7. All required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
8. Any continuous wall greater than 75 feet in length and three (3) feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
9. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
10. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
11. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
12. Dedication, or verification of existence of right-of-way shall be provided as shown on the *Major Streets and Routes Plan* map, including applicable intersection widening, along the Houghton Road and Broadway Boulevard frontages of the site.

13. Dedication of twenty-five (25) foot radius spandrels is required at the corners of the access points on Houghton Road and Broadway Boulevard.
14. Installation, or verification of installation, of center left turn lanes and right turn/deceleration lanes is required along the entire length of both the Houghton Road and Broadway Boulevard frontages of the site, including appropriate transitions beyond the limits of the property.
15. In lieu of installing an additional through lane of paving, curb and sidewalks along the Houghton Road and Broadway Boulevard frontages of the site (or participating in a future improvement district for same) the owner/developer shall provide a contribution of \$114,500 to the City of Tucson Department of Transportation prior to Ordinance adoption.
16. Owner/developer shall construct the segment of the Houghton Greenway that corresponds with the project's frontage on Houghton Road.
17. The Houghton Greenway shall be located within a minimum 50 foot wide corridor. The corridor shall be located in the right-of-way. If sufficient right-of-way does not exist, additional right-of-way shall be provided on the property being rezoned.
18. The greenway segment shall be constructed in accordance with the Divided Urban Pathway Standard. The Standard includes a minimum twelve (12) foot paved asphalt path, a minimum eight (8) foot meandering decomposed granite path, native landscaping between the paths and along both sides of the greenway (including native trees a minimum of twenty (20) feet on center), a drip irrigation system, and signage.
19. The subject greenway section shall be complete and usable by the time 35% of the project's building permits for the project have been issued. The developer shall be responsible for maintaining the greenway, including landscaping, for a period of two years after the segment has been completed.
20. One (1) entry drive from Houghton Road shall be allowed, provided there are no road crossings across Coronado Wash and the wash area is preserved in its' natural state.
21. A conservation easement over the south 150 feet of the property.
22. A maximum of six (6) houses along the east edge of the rezoning site.
23. A 20 foot landscape area along the east boundary.
24. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Two written approvals and 13 written protests have been received. Six of the protests are within the 150 foot area, representing a 24.6 percent protest by area to the east, 7.2 percent protest by area to the west and a zero percent protest by area to the south and north.

A three-fourths majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**10. ZONING: (C9-02-26) MONTEREY HOMES – GOLF LINKS ROAD, SR TO R-1, CITY MANAGER’S REPORT**

- (a) Report from City Manager MARCH3-03-135 WIV
- (b) Request to rezone approximately 37.3 acres from SR (Very Low Density Residential) to R-1 (Low Density Residential) zoning. Applicant: Ted Herman of The Planning Center, on behalf of the property owners, Monterey Homes.

The rezoning site is located at the northeast corner of Golf Links Road and Bonanza Avenue. The preliminary development plan is for 193, one and two-story single-family residences on 37.3 acres.

The Zoning Examiner recommends authorization of R-1 zoning. The City Manager recommends authorization of R-1 zoning subject to the following conditions:

1. A subdivision plat in substantial compliance with the preliminary development plan dated October 23, 2002, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 4.1.1. of the *Land Use Code*.
2. A landscaped area shall be provided along Bonanza Avenue and shall encompass the area from back of sidewalk to property fence line.
3. A ten (10) foot landscape area shall be provided on both sides of all interior streets, measured from the back of sidewalk. The landscape area shall contain a minimum of one (1) canopy tree for every two (2) lots.
4. Designated areas, as shown on the preliminary development plan, shall include active/passive recreation facilities for the residents of this community.

5. One (1) vehicular ingress/egress access point, as designated on the preliminary development plan, shall be provided for the development along Bonanza Road to be aligned with existing street pattern to the west.
6. Ingress/egress shall be limited to one access point along Golf Links Road.
7. Vehicular and pedestrian connectivity shall be provided to vacant parcel to the east.
8. Units along the western and southern property lines shall be limited to one story. Further, units along the northern property line, adjacent to Arizona La Victoria, shall be limited to one story.
9. Building elevations shall be provided for proposed residential units.
10. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
11. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
12. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
13. “Safe by Design” concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
14. On-street parking shall be provided on both sides of interior streets.



15. No structure, off-street parking, vehicular circulation, off-street loading, or maneuvering space, landscaping, or screening improvements required by the *Land Use Code*, may be constructed, erected, placed, or extended in the future right-of-way unless specifically allowed.
16. Right turn/deceleration lanes shall be installed at the Golf Links Road access point(s).
17. Sidewalks shall be provided on both street frontages abutting the site.
18. Any existing curb cuts not used for vehicular access shall be closed.
19. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
20. The applicant shall install a pedestrian traffic signal at Bonanza and Golf Links or donate a proportionate contribution if a full signal is warranted.
21. A six (6)-foot high masonry wall along the east boundary of the rezoning site.
22. Five years are allowed from the date of initial authorization to comply with all Code requirements and conditions of rezoning.

Five written approvals and five written protests have been received. Three of the protests are within the 150 foot area, representing a 95.7 percent protest by area to the east and 11.5 percent protest by area to the west.

A three-fourths majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**11. ZONING: (C9-02-27) FREMONT DEVELOPERS – FREMONT AVENUE II, R-2 TO C-2, CITY MANAGER’S REPORT**

- (a) Report from City Manager MARCH3-03-136 WV
- (b) Request to rezone approximately 1.06 acres from R-2 (Medium Density Residential) to C-2 (General Commercial). Applicant: Richard Hickey, on behalf of the property owner, Cole Quilliam of Fremont Developments, LLC.

The rezoning site is located on the west side of Fremont Avenue between Eighteenth and Nineteenth Streets. The preliminary development plan is for an unspecified commercial/retail use in a 14,000 square foot shell building.

The Zoning Examiner recommends the requested C-2 zoning be denied. The City Manager recommends the denial of C-2 zoning.

The City Manager also recommends that a project to review and update the land use policies in the *Greater South Park Area Plan* be undertaken as part of the Planning Task Force's work program when feasible. Until then staff should closely examine all requests for land use changes in the area.

However, should the Mayor and Council choose to authorize the rezoning, it is recommended that the authorization be subject to the following conditions:

1. A development plan, in substantial compliance with the preliminary development plan and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Provide elevations for all sides of the building for the proposed project, showing access entrances, windows, doors etc., which indicate design compatibility with the adjacent residential neighborhood.
3. No through access from the alley west of the rezoning site is permitted to Fremont Avenue.
4. Limit hours of operation to between 7:00 a.m. and 7:00 p.m.
5. A drainage report shall be submitted and approved, including retention/detention calculations/requirements.
6. Prepare and submit for approval a detailed hydrology and hydraulics report evaluating both on-site and off-site flow. Threshold retention storage of five (5) year frequency developed run-off volume is required.
7. All north-south walls shall have openings at the bottom to accept and release flood flows from the public street or alley.
8. A minimum ten (10) foot wide landscape buffer with canopy trees shall be provided adjacent to the Fremont Avenue right-of-way.
9. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.

10. Any continuous wall greater than seventy-five (75) feet in length and three (3) feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
11. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways and not to exceed eighteen (18) feet in height.
12. All new dumpsters and loading spaces shall be placed at least fifty (50) feet from residentially zoned or developed property.
13. Any request to significantly change the preliminary development plan, or any request to change the conditions of rezoning addressing compatibility with the existing residential development, shall require a public hearing before the Mayor and Council.
14. If archaeological features are found during project construction, testing and data recovery will be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
15. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
16. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
17. Five years are allowed in which to comply with all Code requirements and conditions of rezoning.

Thirteen written approvals and six written protests have been received. Three of the protests are within the 150 foot area, representing a 30.1 percent protest by area to the east, and a 20.1 percent protest by area to the north.

A three-fourths majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

**12. PUBLIC HEARING: VALENCIA/CRAYCROFT ANNEXATION DISTRICT**

- (a) Report from City Manager MARCH3-03-131 WV AND OUTSIDE CITY
- (b) Hearing on a proposal to annex an area called Valencia/Craycroft Annexation District. The annexation area comprises .034 square miles and is bounded on the east by the Pima Air Museum, and on the north by Valencia Road, and is west of the Craycroft Road alignment.

The City Manager recommends the Mayor and Council direct staff to proceed with the Valencia/Craycroft Annexation District.

**13. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- (a) Report from City Manager MARCH3-03-127 CITY-WIDE

**14. CALL TO THE AUDIENCE**

At this time, any member of the public is allowed to address the Mayor and City Council on *any issue*. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

**15. ADJOURNMENT**

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, March 17, 2003, at 2:00 p.m., and continued at 7:30 p.m., in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.